

**FEDERAL GOVERNMENT OF SOMALIA**



**Ministry of Labour & Social Affairs**

**PROJECT:  
SOMALIA SHOCK RESPONSIVE SAFETY NET FOR HUMAN  
CAPITAL PROJECT**

**LABOUR MANAGEMENT PROCEDURES (LMP)**

**March 2020**

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## **Abbreviations and Acronyms**

CFM	Complaints and Feedback Mechanism
CP	Cooperating Partner
CPF	Country Partnership Framework
FGS	Federal Government of Somalia
FLA	Field Level Agreement
FMS	Federal Member States
FRS	Federal Republic of Somalia
GBV	Gender-Based Violence
GRM	Grievance Redress Mechanism
IDP	Internally Displaced Person
MoLSA	Ministry of Labour and Social Affairs
NDP	National Development Plan
NGO	Nongovernmental Organization
PIU	Project Implementation Unit
PSEA	Prevention of Sexual Exploitation and Abuse
SEA	Sexual Exploitation and Abuse
SEP	Stakeholders Engagement Plan
SNHCP	Shock Responsive Safety Net for Human Capital Project
SP	Social Protection
SSN	Social Safety Net
UCT	Unconditional Cash Transfers
UN	United Nations
UNICEF	United Nations Children’s Fund
WFP	World Food Programme

## 1. Country context:

1.1. Over the past two decades, Somalia has endured persistent periods of conflict, political instability, and environmental and economic shocks, resulting in widespread hunger and malnutrition. Over half of the country's 12.3 million people live below the poverty line of USD 1.9 per day<sup>1</sup>. Conflict, drought and floods have triggered large-scale displacements: 2.6 million Somalis are displaced and an additional 1 million are refugees in neighbouring countries<sup>2</sup>. Since 2012, Somalia has made considerable strides from a “failed” state to a “fragile” state with the establishment of the Federal Government of Somalia. Significant progress continues with the founding of permanent political institutions and a federal institutional structure. These developments are hindered to deliver benefits for most of the Somali people due to recurrent cycles of conflict, drought and floods and the resulting damage to infrastructure left many without access to basic public services, now being progressively re-established. Inequality is high. Internally displaced person (IDP) settlements fare the worst, with poverty rates of over 70 percent<sup>3</sup>. Between 70 and 80 percent of IDPs and refugees are women and children<sup>4</sup>. Gender inequality in Somalia is the fourth highest in the world<sup>5</sup>, with high levels of gender-based violence, harmful practices such as girl marriage, the under-representation of women in decision-making bodies and discriminatory customs relating to the production, procurement, purchase and preparation of food. School enrolment and educational attainment are low and access to education is skewed in favour of boys, who constitute 56 percent of children enrolled in primary school<sup>6</sup>. Only 17 percent of children living in rural areas and IDP settlements are enrolled in primary school. Somalia also has a growing population of young people for whom unemployment is a concern.

1.2. Since 1991, southern Somalia has experienced cycles of conflict that have fragmented the country, destroyed legitimate institutions, and created widespread vulnerabilities. The civil war resulted in the deaths of tens of thousands of Somalis and exacerbated the 1991 famine. Efforts during the 1990s and 2000s aimed at restoring peace were undermined by ongoing insecurity and the rise of a militia-based opposition, known today as Al-Shabaab. However, Somalia has entered a new phase of relative peace and stability since 2011, with the Agreement on the Provisional Constitution and the establishment of the Federal Republic of Somalia (FRS) bringing to power the Federal Government of Somalia (FGS) in 2012 and ending a long period of revolving transitional governments. The federal system of governance, with its newly formed Federal Member States (FMS), opens a new chapter for Somalia's development and offers hope for a stable future. However, insecurity remains a concern, as demonstrated by recurrent attacks by Al-Shabaab affecting, in particular the capital city of Mogadishu.

1.3. Despite these advancements, humanitarian situation remains largely unchanged – food and nutrition security are far from assured. From mid-2015, severe drought conditions, conflict, increased displacement, lack of access to basic services and the absence of a formal social protection system caused an acute food and nutrition crisis that brought Somalia to the brink of famine in 2017. Scaled-up humanitarian assistance and some seasonal improvements helped to avert famine, but humanitarian and

<sup>1</sup> See [www.worldbank.org/en/country/somalia/overview](http://www.worldbank.org/en/country/somalia/overview).

<sup>2</sup> United Nations High Commissioner for Refugees. 2018. Somalia: Factsheet – 1-30 June 2018.

<sup>3</sup> See [www.worldbank.org/en/country/somalia/overview](http://www.worldbank.org/en/country/somalia/overview).

<sup>4</sup> United Nations Development Programme. 2016. Gender in Somalia Brief 2.

<sup>5</sup> Organisation for Economic Co-operation and Development Centre. 2014. Social Institutions and Gender Index.

<sup>6</sup> Federal Government of Somalia. 2017. Education Sector Analysis 2018–2020.

recovery needs are expected to remain high. The latest drought caused an estimated USD 3.25 billion in damage and losses, resulting in a recovery process that is likely to last many years<sup>7</sup>.

1.4. In 2016, the Somali Government officially launched its plan for implementing the Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development and established its first national development plan in over thirty years. Building on the new deal compact, the National Development Plan 2017–2019 (NDP)<sup>8</sup>, outlines a strategy for accelerating socio-economic transformation in order to reduce poverty, revive the economy and transform Somali society in a socially just and gender-equitable manner<sup>9</sup>. In September 2019, the Government launched a National Social Protection Policy, which will provide pathways to ensure that fiscal investment is undertaken to build human capital, enabling the poor and vulnerable to resist shocks, helping them to manage risks, and providing them with opportunities to overcome poverty, vulnerability, and exclusion.

## 2. Project Development Objectives

2.1. The SNHCP aims to provide cash transfers to targeted poor and vulnerable households and establish the basic building blocks of a national shock-responsive safety net system. The program will last three years (2019-2022) and include three components:

**Component 1:** Nutrition-linked Unconditional Cash Transfers

**Component 2:** Delivery Systems and Institutional Capacity Building

**Component 3:** Project Management, Monitoring and Evaluation and Knowledge Management

2.2. The Social Protection Department of MoLSA will contract services from WFP and UNICEF for the implementation of components one and two respectively, as trusted partners with long-standing experience in supporting Somalia social protection sector. Institutional capacity of the Government of Somalia (both FGS and Federal Member States) will be built across components 2 and 3; using learning from the implementation under Component 1.

### **Component 1: Nutrition-linked Unconditional Cash Transfers**

2.3. This component will be implemented by WFP and provide unconditional cash transfers to households that are chronically poor and vulnerable to drought and malnutrition and link them as required to complementary nutritional support programs. The objectives of the component are: (i) support households to strengthen their resilience and avoid negative coping mechanisms in the short-term; and (ii) promote human capital investment in the medium to long-term by linking beneficiary households to complementary nutrition services and continuing to smooth consumption gaps even after the impacts of drought are no longer present. WFP will be contracted by MoLSA under a service contract arrangement to deliver predictable cash transfers.

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<sup>7</sup> Federal Government of Somalia, World Bank, the European Union and the United Nations. 2018. Drought Impact Needs Assessment.

<sup>8</sup> The National Development Plan for Somalia 2017 – 2019 <http://bit.ly/2ZEpz0k>

<sup>9</sup> National Development Plan 2017–2019, p. iii.

## **Component 2: Delivery Systems and Institutional Capacity Building**

2.4. Component 2 will be implemented concurrently with component 1 and will establish the key building blocks of the National Cash Transfer Program delivery system and strengthen institutional capacity of relevant government ministries to gradually take over full management and implementation of the National Cash Transfer Program and form the foundation for a more comprehensive social protection system in Somalia.

2.5. The component implementation will be carried out by MoLSA through technical assistance and implementation support from UNICEF.

## **Component 3: Project Management, Monitoring and Evaluation, and Knowledge Management**

2.6. Component 3 will establish a national PIU, strengthen MoLSA's coordination arrangements and promote learning and knowledge management through robust M&E.

## **3. Environmental and Social Standards and purpose of the LMP**

3.1. The World Bank Environmental and Social Framework sets out the World Bank's commitment to sustainable development. The ESS is comprised of the ESS1 (Environmental and Social Risks), and of the ESS2, which focuses on labour conditions and risks for the staff employed in this project.

3.2. **ESS1:** During the appraisal mission, the social risks associated with the project were rated as substantial. Mitigation measures for ESS1 have been developed and are documented in the Social Management Plan and the Stakeholder Engagement Plan, which constitute two separate documents.

3.3. **ESS 2: Labor and Working Conditions:** The objective of ESS 2 is:

- To promote safety and health at work
- To promote the fair treatment, nondiscrimination and equal opportunity of project workers
- To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate
- To prevent the use of all forms of forced labor and child labor
- To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law
- To provide project workers with accessible means to raise workplace concerns.

In order to meet the objectives of the ESS2, the Labour Management Procedures (LMP) details the rules and procedures in place under the SNHCP component 1, related to the contractual arrangements for the staff hired under this project, either by WFP directly, or by its contracted partners.

## 4. Overview of staff employed under Component 1 of the SNHCP:

4.1. Three categories of staff will be employed under the SNHCP component 1 i): WFP staff- engaged directly by WFP; ii) staff of the NGOs contracted by WFP - engaged through third party to perform work related to core function; iii) staff of the service provider (Standard Chartered Bank), contracted by WFP as primary suppliers.

4.2. Overall, the main activities for the WFP staff employed on this project will be to: i) coordinate the project and conduct the consultations with the Government, UNICEF and the World Bank; ii) contract partners and manage contracts; iii) oversee and follow up on the implementation of the activities, including participating in community consultations; iv) train partners and provide them with necessary material for the project (including the programme cards for beneficiaries); v) monitor the project; vi) transfer the cash entitlements to beneficiaries; vii) reconcile accounts; viii) receive and handle complaints and give feedback when applicable; and ix) report to the government and the World Bank.

4.3. The main activities for NGO staff will be to: i) conduct the community consultations and community targeting; ii) issue the programme cards to beneficiaries; iii) top up the cards of a quarterly basis iii) monitor the project; iv) report to WFP.

4.4. The main activities for service provider staff (bank) will be to; i) verify the identity of the beneficiaries and ii) deliver them cash as per their entitlement.

4.5. **WFP staff:** Directly Engaged by WFP

Staff position	Base	Responsibility
<b>Senior Programme Policy Officer, P5 (STP),</b>	Mogadishu	<b>Project leader:</b> <ul style="list-style-type: none"> <li>- Provide technical and managerial oversight to the SNHCP project.</li> <li>- Oversee operations and day to day management</li> <li>- Oversee all the specificity related to SCOPE- registration, enrolment, top up, timely cash distribution, security of distribution, reporting and reconciliation.</li> <li>- Partner management and oversight of all the steps of cash transfer.</li> <li>- Ensure that Social Management Plan is implemented.</li> </ul>
<b>Social Protection Officer – NOC</b>	Mogadishu	<ul style="list-style-type: none"> <li>- Liaison with Government;</li> <li>- coordination and implementation</li> <li>- Support field offices with implementation of the project.</li> <li>- Liaise with partners and oversee day to day implementation.</li> </ul>
<b>Programme Associates (FT-6) x 5</b>	Field Offices in Somalia	<ul style="list-style-type: none"> <li>- Provide specialized project management support to safety net programme</li> </ul>

		<ul style="list-style-type: none"> <li>- Support partners with implementation of cash transfer</li> <li>- prepare a range of reports and data analysis</li> <li>- Undertake all aspects of SCOPE registration</li> <li>- Work closely with the government</li> </ul>
<b>Programme Associates (SC-6) x2, Transfer Management Team</b>	Nairobi	<ul style="list-style-type: none"> <li>- Coordinate biometric registration &amp; validation of safety net beneficiaries in SCOPE;</li> <li>- Support WFP Area Offices to plan and deliver transfers through the SCOPE platform;</li> <li>- Coordinate with Area Offices and Finance Unit to ensure timely disbursement</li> </ul>
<b>Gender and Protection officer</b>	Nairobi	<ul style="list-style-type: none"> <li>- Oversight and technical guidance over implementation of gender and protection aspects of the project;</li> <li>- Coordination and implementation of training of CPs and other staff on protection and gender requirements of this project.</li> <li>- Act on monitoring reports, follow-up, escalate and report on protection related incidents and/or concerns.</li> </ul>
<b>Programme monitors (6 – 1 per state)</b>	Somalia/ Somaliland	<ul style="list-style-type: none"> <li>- Undertake regular monitoring as per WFP standards and established protocol;</li> <li>- Undertake regular reporting;</li> </ul>

4.6. In addition to the above listed staff who will be working full time on this project, other regular WFP staff will also be substantially involved in the SNHCP, both for overall supervision and guidance, participation in consultations, and support for implementation. This will be the case, in particular, for the Somalia Head of Programme, Deputy Country Director, Social Protection Officer, Head of Finance, Head of Budget, Communications Officer, Accountability to Protected Populations Officer, Heads of Area Offices as well as Heads of Programmes in the area offices.

4.7. Cooperating Partners: The following is a list of staff of the NGOs contracted by WFP - engaged through third party to perform work related to core function. It is expected that each district will have one partner implementing the project, subject to variation based on coverage capacity.

<b>Staff position**</b>	<b>Base</b>	<b>Responsibility</b>
<b>Programme Manager</b>	Somalia	<ul style="list-style-type: none"> <li>- Overall planning, directing and overseeing the operations</li> <li>- Maintaining work systems, procedures, and policies that enable and encourage the optimum performance of people and other resources .</li> <li>- Attend meetings with key stakeholders</li> <li>- Leading the people/Staff</li> <li>- In charge of reporting to WFP on the overall implementation of the project.</li> </ul>



<b>Administration and Finance officer</b>	Somalia	- Dealing with all administration and finance matters related to the project activities and reporting
<b>Field officer/s</b>	Somalia	- In charge of direct implementation of the project at field level
<b>Field Monitor/s</b>	Somalia	- Monitoring, implementation, Reporting and overall supervision of activities at Field Level
<b>SCOPE Registrar/s</b>	Somalia	- In charge of Biometric registration of targeted selected HHs under the project,
<b>Office -field security Guard/s</b>	Somalia	- Support security and safety for office staff, assets and during registration, top up and field operations.

*\*\* As WFP is yet to contract NGO partners, the exact positions and the number of staff will be known after the project commences implementation.*

#### 4.8. Financial service provider: Tentative structure

Staff of the service provider (Standard Chartered Bank), contracted by WFP as primary suppliers.

<b>Staff position**</b>	<b>Base</b>	<b>Responsibility</b>
<b>Standard chartered Manager</b>	Nairobi	- Oversee the operations - Verification of payments - Reimbursement support to Amal - Any issue raised by their agent address and resolve with WFP
<b>AMAL Bank Manager</b>	Mogadishu	- Coordinate all branch operations - Send payment instruction to branches - Mobilising resources - Ensure all branches have enough cash liquidity - Provide feedback for any technical issues - Submit consolidated financial report supported by Z-report
<b>Head of the Bank branch, one per 21 districts</b>	Districts	- Oversee operations; - Oversee planning and timely disbursements; - Oversee reporting and reconciliations.
<b>Branch manager, one per 21 districts</b>	Districts	- Oversee the project financial transactions; - Plan and ensure timely disbursements; - Report and reconcile transactions.
<b>Cashiers</b>	Mobile team	- Responsible for cash distribution - Reconcile reports

*\*\* As WFP is yet to finalize all cash distribution sites based on communities selected for the project, the exact positions and the number of staff will be known after this step is completed.*

## 5. Labour Risks and Mitigation measures

5.1. The potential risks for the labour force working on this project are summarized below, together with the mitigation measures.

5.2. **Risk of insecurity:** Conflict and insecurity remain persistent challenges in Somalia and have, in the past, impeded delivery of services. Ensuring security for project operations (including the handling of cash) amid armed groups in a region with a recent history of relative lawlessness and the potential for increased conflict due to the drought, will remain a challenge. Delivery points cash transfers may be targeted by opportunistic armed actors including Al-Shabaab. This general insecurity may impact project workers.

5.3. **Mitigation:** The above risks are carefully mitigated through a combination of programmatic and administrative measures. These measures are briefly discussed below sections and elaborated in the documents in annex 3.

**Programmatic design:** The SNHCP targets food insecure yet relatively permissive parts of Somalia and excludes Al-Shabaab controlled areas. This allows WFP to partly mitigate some of the security risks for project workers, associated with active conflict and insurgency.

### **Administrative and Operational procedures:**

#### Security procedures within the UN System:

The World Food Programme (WFP) is part of the Security Management System (UNSMS) of the United Nations Organization. Without prejudice to, and while not abrogating the responsibility of a Host Government for its obligations, the United Nations has a duty as an employer to reinforce and, where necessary, supplement, the capacity of the Host Government to fulfil these obligations in circumstances where United Nations personnel are working in areas which are subject to conditions of insecurity which require mitigation measures beyond those which the Host Government can reasonably be expected to provide. The UNSMS Framework for Accountability specifies the responsibilities and accountabilities of United Nations officials and personnel for such measures. The goal of the UNSMS is to enable the conduct of United Nations activities while ensuring the safety, security and well-being of personnel and the security of United Nations premises and assets. To achieve this goal, all organizations shall maintain a robust and cohesive security management system and adhere to three principles:

Determination of acceptable risk;

- Provision of adequate and sustainable resources to manage the risk to personnel and their eligible dependents, premises and assets; and
- Development and implementation of security policies and procedures.

The governance of security management for the UNSMS as a whole is constituted as follows:

- The Inter-Agency Security Management Network (IASMN), consisting of the senior managers who have oversight of security functions within each member organization of the UNSMS, reviews existing and proposed policies, procedures and practices of the UNSMS and their implementation,

and provides its recommendations on these to the High-Level Committee on Management (HLCM); and

- A comprehensive review of policies and resource-related issues pertaining to the entire United Nations security management system is a standing item on the agenda of the HLCM; the HLCM reviews the recommendations made by the IASMN, and either decides on them directly or recommends their endorsement and implementation to the United Nations System Chief Executives Board for Coordination (CEB), which is chaired by the Secretary-General.

### Staff movement and security coordination in Somalia

In accordance with WFP's established security protocols for Somalia and in conformity with Inter-Agency Standing Committee's (IASC) non-binding guidelines, WFP uses armed escorts for humanitarian convoys. The non-binding guidelines seek to advise and enable WFP UN and non-UN humanitarian organizations to collectively and/or individually assess the need for, and the impact of using, armed escorts for humanitarian actions.

In 2013, the IASC convened to hold a common position on critical security matters. The IASC recognizes that every humanitarian organization (UN or non-UN) adopts security measures according to its own risk profile and differentiated needs. While it is not possible for all agencies to operate in an identical manner, common position on critical matters can potentially increase the level of security for all. Consequently, the UN Designated Official (DO) should consult widely within the humanitarian community (UN and non-UN) before deciding on the use of armed escorts by the United Nations. Similarly, non-UN humanitarian organizations considering using armed escorts should consult with the UN Designated Official before making a decision. Besides the DO led SMT, the Humanitarian Country Team (HCT) chaired by the UN Resident Coordinator (RC) provides an ideal platform for such consultations. As an operational decision-making forum participated by operationally relevant humanitarian agencies (UN and non-UN) the HCT provides invaluable inputs for adopting common position on critical security matters.

In Somalia, the United Nations Security Management System (UNSMS) uses a structured Security Risk Management (SRM) approach for implementing safe and efficient humanitarian actions. The SRM assists UNSMS to proactively identify, manage and mitigate operational risks. The information gathered through this type of decision-making, planning and incident management. One of the outcomes of the risk assessment is the recommendation to use armed escorts to mitigate or manage some of the identified risks. WFP has developed an internal guideline on considerations for use of armed escorts. It is pertinent to note that in accordance with the IASC guidelines, WFP does not impose the use of armed escort or security forces on NGO partners – recognizing that every humanitarian agency has its own risk profile and corresponding security management considerations and strategies. Each organization therefore must consider its own position on the use of armed escorts or security forces.

### Security procedures applicable to Cooperating Partner NGOs and Service Providers (Bank)

WFP works with over one-hundred national and international NGOs in Somalia. Majority of the cooperating partners are small community-based Local NGOs (LNGOs) that are well-grounded within the local communities. The implementation arrangements with cooperating partners are governed by a Field Level Agreement (FLA), which refers to the SPHERE standards regarding well-being and security of personnel. In particular, the first chapter of SPHERE states the common standards which, among others, defines the responsibility of actors towards the safety and protection of their staff as well as their beneficiaries. According to chapter 8.9 of the Core Humanitarian Standards, regarding *Policies in place for*

*the security and the well-being of staff: “ an agency’s duty of care to its workers includes actions to promote well-being and avoid long-term exhaustion, burnout, injury or illness”; “ Managers must make aid workers aware of the risks and protect them from exposure to unnecessary threats to their physical and emotional health. Measures that can be adopted include effective security management, preventative health advice, active support to work reasonable hours and access to psychological support when required”.*

Partner organizations are accountable for the safety and security of their personnel in accordance with their ‘duty of care’ obligations as employing organizations. This responsibility extends to the NGO provided guesthouses, as applicable. However, in practice, this mainly applies to International NGOs as local NGOs typically do not operate guesthouses.

Accordingly, organizations that wish to cooperate under the Saving Life Together Framework (in annex) are required to maintain internal security risk management procedures, contingency planning as well as adequate and reliable arrangements to respond to security emergencies.

Updated in 2015, Saving Lives Together is a series of recommendations aimed at enhancing UN and NGO security collaboration in the field. SLT is a voluntary engagement. Under the SLT framework, the UN and the humanitarian community cooperate in the collection, analysis and dissemination of critical security and safety information, while operational decisions made on the basis of such information remains the responsibility of the respective organizations.

Organizations that wish to become SLT partner organizations are required to commit to the adoption of the principles, objectives and arrangements comprised in this framework.

Partners must consult on security coordination with host country authorities and other local actors with a view to achieving a coordinated and/or common approach where appropriate; and consult with UNDSS on contracted security services, e.g. security escorts, with a view to achieving a coordinated and/or common approach, where appropriate.

Each NGO perceives risks and assess vulnerabilities differently, accepts different levels of risks, and implements security arrangements, which they consider suitable for their organisation and operational conditions. For instance, local NGOs, who constitute most of WFP partners, have strong roots in the local communities, and their social and information networks, as well as acceptability within the communities, minimize their exposure to security risks.

WFP will not provide NGOs with internal security risk management procedures, contingency planning, or arrangement mechanisms to respond to security emergencies. Also, WFP will not individually assess NGO security risk management arrangements. However, in line with the SLT Framework, and following the SLT guidelines endorsed at the IASC, WFP shall provide NGO partners involved in the implementation of projects with safe distribution guidelines, regardless if the NGO is part of the SLT or not (Annex 3 refers). WFP designed a safe distribution guide to enhance partner NGOs ' ability to make informed decisions and implement necessary security arrangements to improve the safety and security of their personnel and beneficiaries in WFP funded projects only.

Once an NGO receives training on the safe distribution guide, it effectively becomes responsible for putting in place appropriate mitigation measures to prevent and respond to incidents within its operational environment. The NGO is responsible for sensitizing staff on threats and risks and corresponding mitigating measures. With this, an NGO must also have appropriate support and insurance

in place to assist staff affected by an incident, which WFP cannot be held liable for or expected to provide. The WFP guidelines and accompanying checklist provided to NGOs establish the underlying mechanism for WFP to perform its oversight role. WFP designed the list to document and NGO's consistency and completeness, or the lack of it, in implementing the guidelines. The list also provides evidence to WFP that a minimum risk management system is in place at distribution sites, which could then be measured or verified.

WFP will keep on file each NGO's checklist, which will serve as the primary record to undertake periodic oversight reviews, where access is feasible, to ensure responsible security management practices on the part of the NGO.

In addition to the above, in Somalia, the International NGO Safety Organisation (INSO) supports NGOs regarding workers' safety. INSO is an international charity based in The Hague and Dubai with projects in fourteen countries. INSO provides registered NGOs with a range of free services including real-time incident tracking, analytical reports, safety related data and mapping, crisis management support, staff orientations and training.

INSO services helps NGOs with their day-to-day risk management responsibilities and improve their overall situational awareness to support evidence-based humanitarian access decisions. The menu of services on offer has been developed over many years in close consultation with literally hundreds of NGOs and can be adapted to local context as needed. INSO Services are recognized as meeting the most fundamental requirements in almost any context.

In addition to its services, INSO coordinates with the United Nations Department of Safety and Security (UNDSS) in order to facilitate effective NGO/UN cooperation under the Saving Lives Together framework. The presence of dedicated INSO staff in Somalia ensures the consistent, reliable and secure sharing of security information with NGOs and facilitates implementation of other aspects of SLT, such as, engagement with UN security managers, meeting common security related needs and collaborating and consulting on the development and delivery of training.

#### *Incidence Response and Reporting*

In principle, NGOs are responsible for responding to and reporting security incidences that involve their staff, assets, and activities. The necessary process for responding to an incident begins with the security guards hired by the NGO. They are typically the first responders, followed by the local police force. WFP does not directly respond to an incident at the behest of an NGO. However, upon receiving information of an incident involving either the NGO itself or beneficiaries during a distribution, WFP may provide, if required, assistance on determining the cause of the event. WFP may further assist the NGO in coordinating with the local authorities or the local community leadership the identification of additional measures or resources to be implemented or deployed, if feasible, to prevent the reoccurrence of an incident. WFP follows an internal reporting process that records all NGO/beneficiaries security-related incidents and additional measures to be implemented, if any, through a corporate security information management and reporting system. All incidents involving NGO partners or beneficiaries are also reflected annually in WFP's global security trends reporting to the Executive Board.

Standard Chartered Bank (SCB), the contracted service provider for the delivery of cash transfers under the SNCHP, is responsible for the security of its own staff in Somalia. As a standard practice, SCB deploys armed security guards at the pay points/branches to mitigate security risks.

WFP has a longstanding arrangement with SCB for the transfer of cash entitlements to beneficiaries across the country. Since 2015 this collaborated effort has delivered approx. USD 100 million in urban, peri-urban and rural areas in Somalia. So far, WFP has not experienced any violent incidence related to cash distributions in the country.

5.4. **Risk linked to occupational hazard:** No physical labor or hard work is envisaged under this project, for any of the staff employed by any party, therefore, this risk is considered as very low.

5.5. **Lack of updated Labour Code:** The Somalis labour market is currently governed by Labour Act No. 65 of 1972, which was adopted before the current State was in place. It contains some basic provisions, such as the right of association, the interdiction of child or forced labour, the obligation for any worker to have a proper contract; however, remains succinct.

**Mitigation:** Since 2018, with the support from ILO, the Government of Somalia (Ministry of Labour) has developed a new Labour Code, which was approved by the Labour Steering Committee on 26th March 2019 and which is expected to go for Parliament approval in the coming months. Once approved by the Parliament, the new legal framework will meet international legal standards and thereby increase the standards of labour engagement within the country.

WFP ensures through its contractual arrangement with its Cooperating partners and Service Providers, that they are legally registered in Somalia and abide by national laws (refer to section 7 on staff of NGOs and Service Providers, of this document). In addition, WFP has a large institutional presence in the country, through its 11 offices and over 330 staff, which allows the organization to closely monitor all projects and to ensure that standards are adhered to. WFP has a Grievance and redress mechanism (GRM) for all staff under WFP contract; and, in Somalia, a GRM for its beneficiaries. Any breach of contract by WFP staff or its contracting agents can result in contract termination.

The sections below give more details about the protection for the staff working on the project, either when directly employed by WFP, or by its partners or service provider.

## 6. Staff directly employed by WFP - WFP Human resource management<sup>10</sup>:

6.1. The WFP Human Resources Manual (HR Manual) applies to all staff members, namely, all persons who hold a staff appointment under the FAO Staff Regulations and Rules, whether in the General Service, National Professional Officer, or International Professional and higher categories of service. This Manual also sets out the general terms, conditions of service and procedures governing the engagement of personnel on short-term contractual arrangements (Short-Term Professional and General Service staff members, Consultants, Service Contract holders, Special Service Agreement holders, Interns, Volunteers and Casual Labourers).

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<sup>10</sup> Note that the entire HR part that follows is a non-exhaustive summary of relevant provisions pertaining to WFP's management of human resources from the FAO Staff Regulations & Rules, the HR Manual, policies and administrative issuances. It does not replace the official documents, and in case of any contradictions, the official documents prevail.

## Terms and conditions of employment with WFP:

6.2. WFP confirms every recruitment through a contractual letter signed by both WFP and the employee, which stipulates:

- The general terms of employment
- The salary and other payments and entitlements (Daily Subsistence Allowance and others as applicable)
- Provisions regarding resignation, termination and separation
- Social security and leave provision
- Pension arrangements
- Working hours
- Corporate policies inclusive of HSHAP and PSEA are referenced in all appointment letters.
- The terms of reference are attached
- **Others:** various entitlements and details are also provided, such as annual leave, sick leave, maternity and paternity leaves, breastfeeding facilities and others.

6.3. **Duties and Obligations of Staff.** By accepting an appointment with WFP, staff members undertake to comply with a number of obligations, which are clarified in the "Standards of Conduct for the International Civil Service" contained in the WFP HR Manual. Staff members should conduct themselves with the interests of the Programme alone in view. Consequently, they must subordinate their private interests to those of the Programme and avoid placing themselves in a situation in which their interests might conflict with those of the Programme. They must exercise their functions with integrity, loyalty and impartiality and remain independent of any outside authority in the performance of their duties.

### Standards of Conduct:

6.4. WFP staff must be committed to the values, principles and standards set forth in the Standards of Conduct for WFP as well as the Standards of Conduct for the International Civil Service. Staff members are expected to take a positive and active approach to upholding the Standards of Conduct as well as to complying with other policies promulgated by the Programme and related to their duties and obligations as international civil servants. (Refer to: <https://icsc.un.org/Resources/General/Publications/standardsE.pdf>)

6.5. **Managers and supervisors** must ensure that working relationship foster harmony. They are in positions of leadership and it is their responsibility to ensure a harmonious workplace based on mutual respect; they must be open to all views and opinions and make sure that the merits of staff are properly recognized.

6.6. **Harassment**, in any shape or form, is not tolerated and no staff shall engage in any form of harassment. International civil servants have the right to a workplace environment free of harassment or abuse. WFP has established rules and provides guidance on what constitutes harassment and abuse of authority and how unacceptable behaviour will be addressed. This is enforced through compulsory onboarding course on joining the organization, frequent reminders by supervisors and managers on the duty

to report on any form of harassment and abuse; formally instituted staff association; regular HR workshops and trainings; gender training; Prevention of Sexual Exploitation and Abuse (PSEA) trainings.

6.7. International civil servants are not allowed to abuse their authority or use their power or position in a manner that is offensive, humiliating, embarrassing or intimidating to another person. Any staff or member of public can report on this conduct through numerous channels of complaints available, anonymous letters, incident reports, emails, or through the call centre and regular monitoring. All employees and SEA Focal Points/Alternates are bound to maintain confidentiality of all reported allegations, including the identity of complainant/s and subject/s. OIGI- WFP's Office of Inspections and Investigations will launch an independent assessment of the cases and conduct investigations as required.

6.8. **Staff association:** Freedom of association is a fundamental human right and international civil servants have the right to form and join associations, unions or other groupings to promote and defend their interests. Continuing dialogue between staff and management is indispensable for WFP. Management facilitates this dialogue through staff representatives to ensure staff welfare is always prioritized.

6.9. **Security and Safety:** The Country Director, as the head of WFP Somalia, must assign requisite staff in accordance with the demands of the services to ensure that the health, well-being, security and lives of all staff, without any discrimination whatsoever, will not be subject to undue risk. WFP takes measures to protect the safety of staff and that of their family members. At the same time, it is incumbent on the staff to comply with all instructions designed to protect their safety. Apart from ensuring all staff are insured medically and have life insurance, staff are also required to undertake Safe and Secure Approaches to Field Environments (SSAFE) training before going into Somalia. SSAFE training programme contributes to making personnel better prepared to identify, face and respond to direct and indirect threats and incidents that may jeopardise their lives in the field.

6.10. **Protection from Harassment, Sexual Harassment, Abuse of Authority and Discrimination** policy. WFP is committed to working environments that respect the inherent dignity of all persons, affording them the opportunity to reach their fullest potential and empowering them to deliver the best possible results for all the people that WFP serves. WFP is committed to a zero-tolerance approach to abusive conduct. This means that any reports of abusive conduct will be dealt with promptly, justly and effectively in accordance with the applicable regulatory framework and the procedures set out in the Circular. Failure to meet obligations under this Circular may lead to administrative or disciplinary action, up to and including summary dismissal. This policy also describes mechanisms meant to ensure the responsibilities of WFP as an employer and of each WFP employee, of promoting safe and harmonious workplace environments, and taking action when alerted to potential abusive conduct. Finally, this policy provides guidance for WFP employees on how to seek support and raise concerns regarding any abusive conduct they have experienced or witnessed.

6.11. **Special Measures for Protection from Sexual Exploitation and Sexual Abuse.** Acts of SEA constitute serious misconduct, and are grounds for disciplinary action, including summary dismissal. WFP's zero-tolerance policy is toward SEA committed by its employees or any other personnel associated with the work of WFP regardless of context or operation, or any other form of abuse and exploitation. All employees are expected to follow the core principles set forth in the Code of Conduct and carry



themselves in accordance with the highest standards of integrity set out in the United Nations Charter and the applicable Staff Rules and Regulations.

6.12. The WFP Policy on Prevention of SEA obliges all employees to report concerns or suspicions of SEA and places the responsibility on managers at all levels to support and develop systems that maintain an environment that prevents SEA. SEA training is mandatory for all employees, including any related e-learning programme.

6.13. In cases of SEA allegations, staff who receive and/or report and who are not a designated SEA focal point (including call centre operators) must:

- i. Upon consent of the affected person, inform a designated WFP PSEA Focal Point at the field or country level as soon as possible.
- ii. Provide accurate information about where to receive assistance e.g. medical/clinical, legal, psychosocial support (address, phone number).
- iii. Upon receipt of a complaint or referral, the PSEA Focal Point will ensure that consent has been obtained before reporting the incident to OIGI- WFP's Office of Inspections and Investigations.

### Occupational Safety and Health Policy (OSH):

6.14. WFP is dedicated to promoting and maintaining the highest degree of physical, mental and social wellbeing of all employees. Accordingly, it seeks to offer a safe and healthy working environment which contributes to human dignity and self-fulfilment. WFP is committed to the prevention of accidents and injuries arising from, linked to, or occurring in the course of work, by mitigating the hazards and risk of the working environment.

6.15. Taking this policy into consideration, Somalia has strict security protocols for movement. The WFP security unit supports the implementation of Safe Food/ Cash Distribution programme in a manner that does not increase the risks faced by beneficiaries, staff or cooperating partners carrying out distribution. Safe distribution trainings are provided to Cooperating Partners (CP) and local district officials involved in the implementation of programs. The security unit has developed a safe "Delivery handbook" (in annex) that outlines essential guidelines for WFP personnel, NGO's and CP's to carrying out distribution that contributes to the safety, dignity and integrity of all involved.

### Reporting Channels and Grievance Mechanisms:

6.16. WFP has several informal and formal bodies and mechanisms in place for its staff to raise workplace related concerns and grievances, report cases of suspected misconduct, fraud etc.

6.17. Besides, WFP has a comprehensive disciplinary process in place to address all breaches of WFP regulations, rules and administrative issuances to protect the integrity and efficiency of the Programme. All staff have an obligation to report misconduct (or suspicions of misconduct) to their immediate supervisor, the Deputy Country Director/Country Director or The Office of Inspections and Investigations (OIGI), to collaborate with investigators, and to maintain confidentiality.

6.18. The following bodies/ reporting channels are available to all categories of staff:

**a) The Office of the Ombudsman (OMB)**

Staff may contact the Ombudsman for help on any issue related to work to get a different perspective outside of the formal channels. Issues may relate to conditions of employment, managerial practices, professional and staff relations, administration of benefits, interpersonal issues and standards of conduct. If a solution cannot be found to an issue through informal mediation, the OMB can provide information on how to proceed through more formal channels.

**b) The Office of the Inspector General (OIG)**

OIG carries out investigations in WFP in response to complaints from employees, its contractors, counterparts, implementing partners, UN agencies, and others. Reports may be made through several sources, including personal visits, phone calls, emails and letters. In addition, the Office operates a **dedicated Hotline**, which allows for confidentiality in the receipt of complaints. Cases of SEA may be reported through the dedicated Hotline or to the designated PSEA Focal Points at the country or field office levels, or his/her alternate. WFP Somalia has nominated PSEA focal points in all its field offices, in the CO in Mogadishu and in the Liaison Office in Nairobi.

**c) The Ethics Office**

The Ethics Office Advises employees and management on standards of conduct and ethical matters, conflicts of interest (gifts, awards, hospitality, outside activities including speaking engagements, board memberships, publications, and more), political activities, pre- and post-employment issues. It administers the *Whistle-blower Protection Policy* to enable employees to report misconduct and cooperate with duly authorized audits, investigations and proactive integrity reviews (PIRs) without being subject to retaliation. It also administers the *Annual Conflicts of Interest and Financial Disclosure Programme (ADP)* for the purpose of helping to identify and address personal conflicts of interest.

## 7. NGOs and Service Providers contracted under component 1 of the SNHCP:

7.1. WFP will work with partners, both NGO and other service providers (its financial service provider Standard Chartered in particular) to deliver services under the project. Before contracting, WFP ensures that NGO partners through Field Level Agreements (FLA) meet a set of minimum Core Corporate Standards. The FLAs are corporate level legally binding agreements. In this document, please refer to section 6.2.8 on Protection from Harassment, Sexual Harassment, Abuse of Authority and Discrimination policy; section 6.2.9 on Special Measures for Protection from Sexual Exploitation and Sexual Abuse Acts of SEA; and section 7.5 – Zero Tolerance of Child labour, 7.6 – minimum standards for FLAs, 7.7, 7.10 and 7.11 for more details on the legally binding corporate policies that impact labour procedures.

7.2. In addition, NGOs working with WFP must be legally registered as a non-governmental, non-profit, non-political organization in the country of the operation. As per FLA clause 16.1, “The Cooperating Partner represents and warrants that it is legally registered as a non-governmental, non-profit, non-

political organisation in the country of the Operation, that it has the required legal capacity to enter into this Agreement and implement the Programmes and that it shall comply with any legislation applicable to it". In Somalia, NGOs must obtain from the Government and share with WFP a certification that the organization is legally registered and authorized to work in the country. These certificates are renewed on a yearly basis by the government.

7.3. NGOs contracted by WFP must abide by the national legislation. As per clause 16.9 of the FLA, "The Cooperating Partner shall comply with all laws, ordinances, rules, and regulations bearing upon the performance of its obligations under the Agreement".

7.4. WFP also undertakes a contractual obligation with all its service providers covering issues related to delivery against the clearly specified outputs of the contract. WFP does not have specific clauses in its partnership agreements related to the specific terms of employment of the partner's staff (except for child labour and sexual exploitation, as per paragraphs 7.6 and 7.7 below, respectively), WFP undertakes partners assessments prior to engaging in a contractual agreement, which are based on both qualitative and quantitative indicators. The template is enclosed in the Annex – 3. T. Key indicators include a) Vision & Strategy; b) Governance and Organizational structure- focusing on people's management; Gender, Protection and AAP; Programme capacity- Programme Design, Implementation, M& E; Financial Management and Resource Mobilization. The qualitative assessment is focusing on Sustainability; Due Diligence and Registration with the government. WFP also carries out partner performance evaluations at the completion of each Field Level Agreement (FLA). The evaluation measures performance against set indicators in different thematic areas, including sound recruitment procedures, Protection, Gender and Risk Management. NGOs are measured against the expectation that they should have sound hiring processes in place. All FLA contracts are considered for renewal based on satisfactory performance and adherence to all WFP mandatory provisions. In cases where certain issues are identified through the evaluation, improvement and prevention measures are included in the renegotiation process, or, based on the gravity of the risk, contract is not renewed. Annex 2 details the risk mitigation matrix in place in case areas for improvement are identified.

7.5. **WFP has a zero tolerance for child labour** and while situations where children above the internationally recognized minimum age work under safe, dignified and healthy conditions may be accepted, WFP does not tolerate child labour including for its contracted partners NGOs and others service providers. Specifically, WFP does not allow children below the age of 14 years to be engaged by its contractors or in its activities. Failure to comply would lead to termination of partnership or contract with the NGO or contractor (refer to the Annex on Prevention on Child Labour in WFP Operations and Programmes.)

7.6. As stipulated in the FLAs, by entering into an agreement with WFP, the Cooperating Partner undertakes to adhere to: (i) the standards set out in the Secretary-General's Bulletin Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13); (ii) any minimum operating standards adopted as a result of the Statement of Commitment on Eliminating Sexual Abuse and Abuse by UN and Non-UN Personnel of 4 December 2006; and (iii) any other Protection from Sexual Exploitation and Abuse (PSEA) policy or guideline as may be adopted by WFP, as notified to the Cooperating Partner by WFP from time to time.

7.7. The Cooperating Partner shall ensure that its personnel, agents, contractors and subcontractors conform to the highest standards of moral and ethical conduct. Any failure by the Cooperating Partner to take preventive measures against sexual exploitation or abuse, to investigate allegations thereof or to take corrective action, shall constitute grounds for termination of the Agreement.

7.8. **WFP contractual procedures with Service Providers:** WFP delivers cash in Somalia in partnership with Standard Chartered bank and its affiliate branches, AMAL. Before entering into the contractual commitment with Standard Chartered in Somalia, the vendor was vetted against the latest available consolidated United Nations Sanctions (UNSC) list. The list is the main point of reference for UN agencies in Somalia, and it is available at the Contractor Information Management System (CIMS) website at <https://www.cims.so.one.un.org>.

7.9. WFP's contract with Standard Chartered explicitly stipulates that the Bank must comply with any applicable law, ordinances, rules and regulations. This includes the Somalia Labour Code detailed below in chapter 8.

7.10. **The contract also explicitly forbids child labour** and, through the contract, the Bank warrants that neither it, its parent entities (if any), nor any of the Bank's subsidiary or affiliated entities (if any) is engaged in any practice inconsistent with the rights set forth in the Convention on the Rights of the child, including Article 32 which recognizes that "a child should be protected from all work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social".

7.11. **Sexual exploitation is also clearly prohibited**, and, through the contract, the Bank warrants that it has taken all appropriate measures to prevent sexual exploitation or abuse of anyone by its employees or any other persons, engaged and controlled by the Bank to perform any services. Sexual activity with any person less than eighteen years of age, regardless of any laws relating to consent, shall constitute sexual exploitation and abuse, of such person.

7.12. Failure to comply with those obligations constitutes grounds for WFP to terminate the agreement with Standard Chartered.

### Complaints and Feedback Mechanism (CFM) for NGOs and Service Providers:

7.13. WFP Somalia has a Complaints and Feedback Mechanism, as part of the 'Accountability to Affected Populations' framework, for all beneficiaries and non-beneficiaries of the project. Through the CFM, or hotline, which is largely detailed in the SMP, callers can ask questions or lodge complaints and grievances, report issues or wrongdoings related to the programme, which are individually followed up and responded to.

7.14. While the CFM is primarily designed for beneficiaries, staff of the Cooperating Partners (CP) and the Standard Chartered / AMAL Bank as the Service Providers (SP) can use it to report any wrongdoing.

7.15. The CFM system is linked to an online case management system where every complaint is registered. All complaints will be logged into the system with details such as case description, complainant information (name, phone where the person can be called back, location, etc.), date, location, activity, CP location etc. Each case registered in the system is assigned to specific WFP staff, who receive an automatic notification by email for follow up – for instance the Head of Programme in a specific WFP office. The staff responsible for taking action records his/her actions in that same system to close the loop, after which the call operators call back the complainants and inform them of the resolution of their issue.

7.16. Different risk levels have different process flows and time limits for action, with high risk cases (suspicion of fraud for instance having a shorter timeline for action). WFP's monitoring unit monitors case resolution closely, to ensure that cases are addressed within the defined timeframes. Cases can be closed in the system only after the complainant has confirmed that the issue was actually solved.

7.17. Complaints of systemic and egregious exploitative practices such as systemic child labour, forced labour, etc, will be received through the CFM and will be examined by WFP. As they constitute a breach in the contract with WFP, if verified, they would be cause for contract termination.

7.18. For other offences such as disputes over awards, working hours, or non-payment, or for issues that require an interpretation or enforcement of Somali law, WFP will refer complainants to the local ministry of labour, which is the counterpart on this project, and WFP will not investigate itself.

## 8. Labour Specific Complaints and Grievance Mechanism for NGOs and Service Provide workers

8.1 ESS2 on labour and working conditions require the setting up of a Complaints and grievance mechanism for project workers separate from the project wide GRM. Project workers that are a direct employees and consultants of WFP have robust internal human resource modalities that protect them from harmful labour practices and accord workers mechanisms to raise workplace concerns, complaints and grievances (detailed in section 6 above). This mechanism is materially consistent with the requirements of ESS 2, Somalia National Labour laws and international best practice.

8.2 Direct and contracted workers engaged by NGOs and other service providers can raise labour related complaints and grievances with the GRM mechanism within MoLSA which has already been set up and is being equipped to handle complaints of this nature. A GRM officer domiciled within MoLSA is already in place. Complainants contacting the WFP project wide GRM on labour issues will be referred to the MoLSA labour specific GRM for processing and resolution.

8.3 Measures are being put in place to ensure that the labour specific GRM:

- a. is easily accessible to all NGO and service provider workers by phone or walk in or through the project wide GRM;
- b. is known to NGO and service provider workers.
- c. Contracts will also provide measures to protect them against reprisal for lodging a grievance;

- d. addresses complaints promptly using a clear and transparent process that provides timely feedback in an appropriate language. Upon lodging a grievance, the system for its resolution will be provided to the complainant;
- e. will operate in an independent and objective manner;
- f. Use of this GRM will not impede access to other judicial or administrative remedies that might be available under Somali law or through other existing arbitration procedures, and;
- g. does not substitute for grievance mechanisms provided through collective agreements.

8.4 Resourcing of the Labour GRM is already provided for under Component 3 of the project (Project Management, Monitoring and Evaluation, and Knowledge Management). The component is financing the payments to the GRM officer as well as the GRM operational costs as required. The mechanism can be scaled up as appropriate proportional to the nature and scale of the potential risks, magnitude of complaints and grievances and span of geographical coverage. A terms of reference for the GRM officer is attached

## 9. National Labour Law applicable in Somalia:

9.1. People employed by WFP's cooperating partners and financial service providers in Somalia are subject to the national legislation. The National Labour Code of October 1972 provides the legal definition of minimum labour standards, including working hours, leave entitlements, salary package, end of service benefit, right of association, setting the national benchmark for employment for Somalia, as follows:

- The code stipulates that all contracts of employment must include:
  - The nature and duration of contract,
  - The hours and place of work,
  - The remuneration payable to the worker,
  - The procedure for suspension or termination of contract; including notice of termination, compensation in lieu of notice, service gratuity, death benefit, payable damages for unjustified termination, reinstatement, transfer of undertakings, suspension of the employment relationship.

9.2. All contracts, prior to signature, must be submitted to the competent labour inspector for pre-approval to ensure that all legal requirements have been met before employment begins. The failure to do so would render the contract void and non-valid.

9.3. Employers have the obligation to put in place adequate measures for health & safety, to protect staff against possible related risks, including the provisions of a safe and clean working environment. Workplaces must be built, installed, equipped and managed in such a way that the workers are properly protected against possible risks. In addition, the workplace must be able to provide sanitary facilities, water and other basic tools and appliances in accordance to the work to ensure the workers' health and safety.

9.4. Employers must also give due consideration to complaints of the workers. An employer is not allowed to withhold any monies payable to staff except subject to the limits of prescribed law, nor demand for any presents in return for employment.

9.5. The code stipulates conditions of remunerations, in particular, around the adequacy and equality of remuneration, which must be in relation to the quality and quantity of the work requested of the employee, and must be non-discriminatory (age, gender, etc).

9.6. Conditions of work also are specified and include the maximum number of working hours per week (8 per day for 6 days per week), the conditions and payment for over time, and set the national holidays. The Labour code specifies that workers are entitled to weekly rest (1 day, typically Friday), Public Holidays (9 set days per year) and annual leave with pay (15 days).

9.7. Specific regulations govern the work of women and youth (15 to 18 years), with some specific work forbidden for them, as considered dangerous and unhealthy. For instance, works that imply carrying heavy weight, or night work, are forbidden. Maternity leaves and breastfeeding hours are also provisioned for, for pregnant and breastfeeding mothers.

9.8. Child work (below 12 years of age) is specifically forbidden by the law, while employment for children aged 12 to 15 is strictly contingent upon the fact that it is “compatible with the proper protection, health and moral children of children”.

9.9. Freedom of association is also recognized, and employers are prohibited from engaging in any act of discrimination, or any act restricting the right of freedom of association. All workers are allowed to join trade union, which are primarily formed to protect the interest of and represent the employees in their dealings with the employers.

9.10. The code also details the procedures for the settlement of individual and collective disputes, as well as for channels of arbitration.

The full labour code can be accessed on the following link:

<https://public.huddle.com/a/LRxYNar/index.html>

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## Annexes:

- I. Annex 1: Risk Mitigation matrix
- II. Annex 2: WFP Guidance Documents
- III. Annex 3: ToR for the MoLSA Labor GRM Specialist



## Annex 1: Risk Mitigation Matrix





After the capacity assessment is completed, specific risk mitigation measures are applied if a partner's scores reflect weakness in the assessment areas. Below is a table that guide this process.

### **Risk mitigation linked to Partner Capacity Assessment (PCA)**

Possible risks	Observations	Possible mitigation actions where appropriate
<b>Vision and strategy</b>		
Lack of clear mission statement	NGO has vague policy and mission statement/ documents.	Work with NGO to finalize mission statement/ help NGO formulate longer-term strategy building on comparative advantages of NGO.
<b>Governance/people management</b>		
Lack of Clear code of conduct	No documentation on staff rules of code of conduct and conduct.	Establish timeline for NGO completion of code of conduct/ Help NGO establish code of conduct based on WFP's documentation.
Inadequate governance structure and reporting lines	Roles and responsibilities are poorly defined/ unclear reporting lines/ no organigram (INGO- lacking strong connection to HQ).	Establish timeline for NGO completion of code of conduct / Work with NGO to make organigram and roles and responsibilities chart.
Policies and procedures unclear for staff performance reviews and no existing guidance on formal recourse for staff issues	No regular staff assessments are done and/or there is an absence of official guidelines on how to deal with recourse for employee performance issues.	NGOs should have sound hiring processes in place and periodic evaluations of employee performance, as well as official procedures for dealing with employees' performance issues.
Inadequate Training needs assessment or capacity building of staff	Affecting ability to deliver food assistance.	WFP can provide better opportunities for training and shadow monitoring/ increased field visits/ and help coordinate possible training with nearby INGO with better capacity.
<b>Gender and protection</b>		
Organization lacks gender policy and/or protection policy or guidance	No clear policy in place.	Work with NGO to create policies and have trainings for staff awareness.

Possible risks	Observations	Possible mitigation actions where appropriate
Inadequate experience in gender analysis/ gender specific programming	No gender focal points have been appointed/ no previous gender specific programming.	Help find a designated focal point to attend NGO gender/WFP trainings/ couple with INGO, other organization, who is experienced in gender specific programming.
Inadequate Complaints Feedback Mechanisms (CFM)	The onsite CFM is underused and not known by most beneficiaries/ response time is inadequate.	Help organization set up and monitor a CFM properly/ increase field visits to ensure this is done.
<b>Programme capacity</b>		
Failure or delays in information and communications technology (ICT) systems	Lack of communication in remote areas/ unable to receive necessary updates on programme implementation; Lack of adequate data security mechanisms for sensitive information.	Direct support to partners to improve ICT infrastructure, including provision of hardware, software and training, as appropriate; checks to ensure data security is in place.
Lack of training staff on programme implementation	Quality of partner implementation affected by lack of expertise in new programme modalities (e.g. CBT) and capacity for large-scale roll-out.	WFP can provide training and mentoring as needed or help coordinate training opportunities through INGO partners and Clusters.
Demonstrating results and impact/ poor monitoring and evaluation systems in place	Ineffective/inefficient monitoring and evaluations.	Training on proper monitoring and evaluation procedures as well as possible seconding WFP staff for this.
<b>Financial management</b>		
Inadequate financial management systems in place	Inability to meet WFP reporting and invoice requirements. Delays in submissions.	Training and additional efforts to broaden knowledge of book-keeping and accounting. Internationalise critical functions if necessary (short- term). Ensure handover/training/coaching processes.

## Annex 2: WFP Guidance Documents

DOCUMENT	LINK
<b>GUIDANCE NOTE TO PREVENT CHILD LABOUR</b>	 Child Labour Policy.pdf
<b>DISTRIBUTION GUIDANCE</b>	 2020 WFP Safe Distribution Guide.pdf  2020 Safe_Distribution_Reg
<b>NGO CAPACITY ASSESSMENT TOOL</b>	 NGO capacity Assesment Tool.xl

## Annex 3: Terms of Reference of MOLSA Labor Grievance Redress Management (GRM) Specialist

### **I. Project Description**

1. The Somalia Shock-Responsive Safety Net for Human Capital Project (SNHCP) aims to provide cash transfers to targeted poor and vulnerable households and establish the basic building blocks of a national shock-responsive safety net system. The program will last three years (2019-2022) and include three components:
  - i. Component 1: Nutrition-linked Unconditional Cash Transfers
  - ii. Component 2: Delivery Systems and Institutional Capacity Building
  - iii. Component 3: Project Management, Monitoring and Evaluation and Knowledge Management
2. The Social Protection Department of Ministry of Labor and Social Affairs (MoLSA) will contract services from WFP and UNICEF for the implementation of components 1 and 2 respectively, as trusted partners with long-standing experience in supporting Somalia social protection sector. Institutional capacity of the Government of Somalia (both FGS and Federal Member States) will be built across components 2 and 3; using learning from the implementation under Component 1.
3. Component 1 (Nutrition-linked Unconditional Cash Transfers) will be implemented by WFP and provide unconditional cash transfers to households that are chronically poor and vulnerable to drought and malnutrition and link them to complementary nutrition services. The objectives of the component are: (i) support households to strengthen their resilience and avoid negative coping mechanisms in the short-term; and (ii) promote human capital investment in the medium to long-term by linking beneficiary households to complementary nutrition services and continuing to smooth consumption gaps even after the impacts of drought are no longer present. WFP will be engaged by MoLSA under an Output Agreement to deliver Component 1.
4. Component 2 (Delivery Systems and Institutional Capacity Building) will be implemented concurrently with component 1 and will establish the key building blocks of the delivery system for the National Cash Transfer Program and strengthen institutional capacity of relevant government ministries to gradually take over full management and implementation of said program for a more comprehensive social protection system in Somalia. UNICEF will be engaged by MoLSA under an Output Agreement to support MoLSA through technical assistance to delivery Component 2.
5. Component 3 (Project Management, Monitoring and Evaluation, and Knowledge Management) will establish a national Project Management Unit (PIU), strengthen MoLSA's coordination arrangements and promote learning and knowledge management through robust M&E.
6. Environmental and Social Standard 2 (ESS2) of the World Bank's Environmental and Social Framework (ESF) aims to promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. In order to meet the objectives of the ESS2, Labour Management Procedures (LMP) have been developed which detail the rules and procedures in place under the SNHCP component 1, related to the contractual arrangements for the staff hired under this project, by WFP and UNICEF contracted partners. One such element includes how grievances will be

managed for cooperating partners (NGOs) who will implement component 1 on the ground and payment service providers to deliver the cash.

## **II. Objectives of the Assignment**

7. The objective of the assignment to provide oversight of the labour Grievance Redress Mechanism for the cooperating partners and payment service providers hired under the project. This will include management of grievance investigation, resolution, response, appeals and tracking of the same in compliance with the following regulatory requirements;
  - National Legislation
  - Requirements of the World Bank Environmental and Social Standard 2 (ESS2) on Labour and Working Conditions
  - ILO Core Conventions
8. The type of workers that will be covered under the LMP are staff of the NGO Cooperating Partners contracted by WFP for the direct implementation of Component 1 in selected communities, as well as the staff of the payment service providers (Standard Chartered Bank and AMAL in Somalia), contracted by WFP to deliver the cash transfers to beneficiaries. Any workers hired by partner agency contracted by UNICE will also be referred to this GRM as applicable. The function of the assignment would not cover grievances and complaints by WFP staff and MoLSA civil servants.
9. Currently, the number of cooperating partners and associated staff are not known. However, cooperating partners and payment service providers will be required in each of location where the project will be implemented. The staff will be Somali based either in Mogadishu or the Districts.

## **III. Scope of Work**

10. The Labour GRM Specialist will be responsible for the following activities:
  - Establishing a GRM procedure that is accessible to all types of workers regardless of their geographical location and literacy levels and in particular workers working for Non-Governmental Organizations (NGOs) hired by WFP in the implementation of SNHCP.
  - Training and capacity building of workers on the grievance redress mechanism notably the process, timescales, escalation procedures and what the GRM can and cannot address and achieve.
  - Implementation of the GRM including receiving grievances, investigation of grievances and providing feedback to complainants
  - Ensuring the GRM is implemented in a transparent manner free from coercion and intimidation and without cost to the complainant.
  - Undertaking quarterly reporting to the MoLSA on the number of grievances received, the number (%) of grievances resolved within agreed timescales, the number of outstanding grievances.
  - Support WFP and MoLSA to respond to any legal matters arising associated with grievances previously submitted through the GRM.

## **IV. Reporting Arrangements**

11. The Labour GRM officer will be contracted by MoLSA under the project and will report to the Project Coordinator.

## **V. Contract Duration and Deliverables**

12. The contract will be for a duration of 1-year subject to renewal based on satisfactory performance.

13. The following deliverables will be produced:

- Monthly report on the number of grievances received, number of grievances resolved and number outstanding.
- Bi annual report on the number of grievances received, number of grievances resolved, and number outstanding compared to agreed timelines. The report should also include details of the number of grievances that have been referred to legal redress. Analysis should be undertaken to determine if there are any trends in the types of grievances received (e.g. payments, hours of work, security issues) and from a particular cooperating partner or payment service provider which may require a more systematic approach to resolution to avoid future complaints.

## **VI. Experience and Qualifications**

14. The candidate will experience and qualifications:

- Bachelor of Arts or Bachelor of Sciences in relevant discipline such as human resources, business administration or management.
- 8 years of experience in human resources management, including grievance management
- Demonstrable knowledge of managing labour issues in line with international best practice/required regulatory requirements.
- Proven experience in conflict resolution in relation to labour/workplace complaints
- Experience of working to manage labour related grievances and complaints within NGOs, civil society or similar organisations would be an advantage.
- Knowledge of basic word processing functions including MS Word, Excel etc.
- Fluent in English and Somali
- Experience of working in Somalia and, or Horn of Africa region